

REMARKS

Applicant respectfully request reconsideration in view of the following remarks. Claims 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeneca, Ltd. WO 95/21958 ("Zeneca WO '958") in view of Zeneca, Ltd. WO 97/04031 ("Zeneca WO '031"). The applicant respectfully traverses this rejection.

Zeneca WO '958 and Zeneca WO '031 are discussed in the applicant's specification at page 5 lines 6 and 7. The applicant acknowledges that the dyes according to the general formula (I) are known from Zeneca WO '958 and that the dyes according to the general formula (II) are partially known from Zeneca WO '031. Thus the state of the art discloses the single components of the inventive mixture and their use as disperse dyes, optionally in conjunction with other disperse dyes. However, neither of the Zeneca publications discloses that the mixture of formula (I) and (II) should be used together.

Furthermore, the applicant has enclosed another Rule 132 Declaration from Shinsuke Ono, which establishes the unexpected results of the claimed invention compared to both Zeneca WO '958 and Zeneca WO '031 (see in particular pages 4 and 5 of the Declaration). The Declaration compares an inventive dyestuff mixture (Dyestuff Mixture C) with the closest prior art (Example 1 of WO '958- Dyestuff A and Example of WO'031- Dyestuff B). The inventive mixture has clearly improved build-up properties which are surprising to one of ordinary skill in the art.

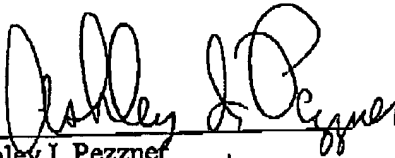
In view of the above response, applicant believes the pending application is in condition for allowance.

Application No.: 10/627827

Docket No.: 05579-00309-US

Applicant filed a Notice of Appeal on November 21, 2005. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05579-00309-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
Ashley I. Pezzner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

Enclosure: Executed Declaration from Shinsuke Ono